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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,863	04/06/2001	Youichi Sawachi	3562-0114P	3207

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EXAMINER

LONG, HEATHER R

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/826,863	SAWACHI, YOUICHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Heather R. Long	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005 and 14 March 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 21-23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2001 and 24 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on January 24, 2005. These drawings are acceptable.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-6, 8, 11, 12, 17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tada (U.S. Patent 4,746,993) in view of Suzuki et al. (U.S. Patent 6,141, 043).

Regarding claim 1, Tada discloses in Fig. 1 a portable multi-function apparatus having a camera operation mode and an audio operation mode (col. 4, lines 15-23) with which at least a music data is operated (Tada fails to explicitly state music data, but music data is inherently included in audio data. For example, if the user were at a concert and recorded audio data, the user would be recording music, which would therefore be included implicitly within the disclosure of the Tada reference), the apparatus comprising: a main body (21); an image

capturing section in the main body operable in the camera operation mode, the image capturing section comprising an image recording part and a recorded image playback part (col. 4, lines 24-39); an audio data playing section in the main body operable in the audio operation mode (col. 4, lines 21-23 and 40-45); and a controller (40) (col. 1, line 54 – col. 2, line 6). However, Tada fails to disclose a controller that operatively connectable with the image capturing section and the music audio data playing section (music is included in audio data, see above), the controller comprising at least one common operation member operable to perform a first function in the camera operation mode and a second function, different from the first function, in the audio operation mode.

Referring to the Suzuki et al. reference, Suzuki et al. discloses an apparatus, wherein the controller (5) comprises at least one common operation member operable to perform a first function in one mode and a second function, different from the first function, in another mode (buttons 54 and 55) (col. 5, lines 60-65; col. 16, lines 42-48 (buttons 54 and 55 being used in the tele and wide mode); col.18, line 48 – col. 19, line 67 (buttons 54 and 55 being used in the up and down modes).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Suzuki et al. with Tada in order to simplify the remote by using one button to perform two different operations depending on the mode the multi-

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function apparatus is in. This would also allow the remote to be able to be reduced in size.

Regarding claim 2, Tada in view of Suzuki et al. discloses a portable multi-function apparatus, wherein the common operation member is a release switch operable as a shutter switch in the camera operation mode and as an audio operation switch in the audio operation mode (Tada – col. 5, lines 1-6).

Regarding claim 3, Tada in view of Suzuki et al. discloses a portable multi-function apparatus, wherein the controller (40) is attachable to the main body (21) (Tada – Fig. 1; Suzuki et al. – col. 5, lines 64-65).

However, Tada in view of the Suzuki et al. fail to disclose a controller being positioned at an upper right corner of the main body, when viewed from a side of an ocular finder of the main body, when attached to the main body. Official Notice is taken that one would mount a controller that is positioned at an upper right corner of the main body, when viewed from a side of an ocular finder of the main body, when attached to the main body. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to mount a controller to the multi-function apparatus (as taught by Suzuki et al.), as disclosed by Tada in view of Suzuki et al., at an upper right corner of the main body when viewed from a side of an ocular finder of the main body, when attached to the main body because as can be seen from Fig. 1 in Tada that the viewfinder would be obstructed if the controller were placed on the left,

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which would mean the controller would be placed in the upper right hand corner to replace the buttons that are there with the buttons on the controller and since there is a screen on the bottom right side as well.

Regarding claim 4, Tada in view of Suzuki et al. discloses all subject matter as discussed with respect to claim 1, except that the controller is positioned in the upper right hand corner when viewed from a side of a finder of the main body. Official Notice is taken that a controller can be placed at the upper right hand corner of a camera body.

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to position the controller in the upper right hand corner because as can be seen from Fig. 1 in Tada that the viewfinder would be obstructed if the controller were placed on the left, which would mean the controller would be placed in the upper right hand corner to replace the buttons that are there with the buttons on the controller and since there is a screen on the bottom right side as well.

Regarding claim 5, Tada in view of Suzuki et al. discloses all subject matter as discussed with respect to claim 1, except that the orientation of the controller is maintained even when the orientation of the main body is changed. Official Notice is taken that the controller can maintain the same orientation even when the main body's orientation is changed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have kept the orientation of the

controller the same even when the orientation of the main body is changed because the controller is removable from the main body and keeping the orientation the same would allow the controls to be more accessible as well as easier to use.

Regarding claim 6, Tada in view of Suzuki et al. discloses all subject matters as discussed with respect to claims 1 and 5, except that except that the orientation of the controller is maintained even when the orientation of the main body is changed. Official Notice is taken that the controller can maintain the same orientation even when the main body's orientation is changed.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have placed the controller in the upper right position, as viewed from a side of an ocular finder in the main body in order to allow the buttons to be easily accessible for operating the camera and thereby maintaining the same orientation the controller had before the orientation of the main body changed.

Regarding claim 8, Tada in view of Suzuki et al. discloses a portable multi-function apparatus, wherein the main body includes a controller-detecting section for detecting a loading of the controller (Suzuki et al. – col. 6, lines 11-20).

Regarding claim 11, Tada in view of Suzuki et al. discloses a portable multi-function apparatus, wherein the controller (40) is operatively

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connected with the image capturing section and the audio data playing section by a wireless connection (Tada – Fig. 1).

Regarding claim **12**, Tada in view of Suzuki et al. discloses all subject matter as discussed with respect to claim 1, except that controller is operatively connected with the image capturing section and the data playing section by a cable connection. Official Notice is taken that the controller may be operatively connected with the main body using a cable connection.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the controller being connected with the image capturing section and the audio data playing section using a cable connection in order to allow more mobility in the fact that the user would not have to keep the controller pointing at the multi-function apparatus in order to establish a wireless connection to send signals.

Regarding claim **17**, Tada discloses in Fig. 1 a controller (40) for operatively associating with a portable multi-function apparatus, which is operable in a camera operation mode and an audio operation mode (col. 4, lines 15-23) with which at least a music data is operated (Tada fails to explicitly state music data, but music data is inherently included in audio data. For example, if the user were at a concert and recorded audio data, the user would be recording music, which would therefore be included implicitly within the disclosure of the Tada reference), the controller



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comprising: an operation signal transmitting output connecting to the common operation member. However, Tada fails to disclose at least one common operation member operable to perform a first function of the portable multi-function apparatus in the camera operation mode thereof and second function of the multi-function apparatus, different from the first function, in the audio operation mode thereof.

Referring to the Suzuki et al. reference, Suzuki et al. discloses an apparatus, wherein the controller (5) comprises at least one common operation member operable to perform a first function in one mode and a second function, different from the first function, in another mode (buttons 54 and 55) (col. 5, lines 60-65; col. 16, lines 42-48 (buttons 54 and 55 being used in the tele and wide mode); col.18, line 48 – col. 19, line 67 (buttons 54 and 55 being used in the up and down modes).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Suzuki et al. with Tada in order to simplify the remote by using one button to perform two different operations depending on the mode the multi-function apparatus is in. This would also allow the remote to be able to be reduced in size.

Regarding claim **20**, Tada in view of Suzuki et al. disclose a controller further comprising an engaging member, which is detachably engageable with the portable multi-function apparatus (Suzuki et al. – col. 6, lines 11-20).

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5. Claims 7, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tada in view of Suzuki et al. as applied to claims 1 and 8 above, and further in view of Cocca (U.S. Patent 5,387,955).

Regarding claim 7, Tada in view of Suzuki et al. fail to disclose a portable multi-function apparatus, wherein the controller attachable to the main body and includes a headphone terminal, the headphone terminal being exposed on an outer surface the controller when the controller is attached to the main body.

Referring to the Cocca reference, Cocca discloses in Fig. 1 a controller (22) that comprises a microphone (24) and a speaker (52 – Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Cocca with Tada and Suzuki et al. in order to provide a controller that comprises a microphone and a speaker in order to allow the user to easily record and listen to the playback of the recording while standing remotely from the camera where the user may have recorded sounds from the object or scene of the image being taken.

Tada in view of Suzuki et al. in view of Cocca discloses all subject matter as discussed with respect to claim 1, except that the controller includes a headphone terminal that is exposed on the outer surface of the controller when the controller is attached to the main body. Official Notice is taken that the controller includes a headphone terminal that is exposed

on the outer surface of the controller when the controller is attached to the main body.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a headphone terminal on the controller to allow the user to conveniently listen to the audio playback privately and to allow the user more mobility while wearing the headphones since the controller is detachable from the camera and the headphone terminal would be positioned so that it could be exposed on the outer surface of the controller when the controller is attached to the main body to still allow the user to listen to the audio through headphones.

Regarding claim 9, Tada in view of Suzuki et al. fail to disclose a portable multi-function apparatus, wherein the controller automatically switches an operational mode to the camera operation mode when the controller-detecting section detects the loading of the controller, and the controller automatically switches the operational mode to the audio operation mode when the controller-detecting section does not detect the loading of the controller.

Referring to the Cocca reference, Cocca discloses in Fig. 1 a controller (22) that comprises a microphone (24) and a speaker (52 – Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Cocca with Tada and Suzuki et al. in order to provide a controller that

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comprises a microphone and a speaker in order to allow the user to easily record and listen to the playback of the recording while standing remotely from the camera where the user may have recorded sounds from the object or scene of the image being taken.

Tada in view of Suzuki et al. in view of Cocca discloses all subject matter as discussed with respect to claims 1 and 8, except that the controller switches modes depending on whether the controller is attached to the main body or not. Official Notice is taken that the controller switches modes depending on whether the controller is attached to the main body or not.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the controller automatically switch modes depending on whether the controller is attached to the multi-function apparatus or not because when the controller is attached the buttons on the controller would be controlling the camera section and when it the controller is detached it would be used for audio recording to allow the user to go to the scene of the image being taken to better record the audio of that particular scene or audio from a particular subject.

Regarding claim 10, Tada in view of Suzuki et al. fails to disclose a portable multi-function apparatus, wherein the controller switches to an exclusive use of the camera operation mode when the controller-detecting section detects the loading of the controller, and the controller switches to

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an exclusive use of the audio operation mode when the controller-detecting section does not detect the loading of the controller.

Referring to the Cocca reference, Cocca discloses in Fig. 1 a controller (22) that comprises a microphone (24) and a speaker (52 – Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Cocca with Tada and Suzuki et al. in order to provide a controller that comprises a microphone and a speaker in order to allow the user to easily record and listen to the playback of the recording while standing remotely from the main body where the user may have recorded sounds from the object or scene of the image being taken.

Tada in view of Suzuki et al. in view of Cocca discloses all subject matter as discussed with respect to claims 1 and 8, except that the controller switches to an exclusive use depending on whether or not the camera is attached to the main body or not. Official Notice is taken that the controller switches to an exclusive use depending on whether or not the camera is attached to the main body or not.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the controller automatically switch modes depending on whether the controller is attached to the multi-function apparatus or not because when the controller is attached the buttons on the controller would be controlling the camera section and

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when it the controller is detached it would be used for audio recording to allow the user to go to the scene of the image being taken to better record the audio of that particular scene or audio from a particular subject.

Having the controller be used exclusively for the camera or the audio depending on whether the controller is attached to the multi-function apparatus allows an extra button the remote or the multi-function apparatus to be eliminated since the mode button would be built into the multi-function apparatus and the controller.

6. Claims 13, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tada (U.S. Patent 4,746,993) in view of Suzuki et al. (U.S. Patent 6,141,043), and further in view of Ohmori (U.S. Patent 5,790,193).

Regarding claim 13, Tada discloses in Fig. 1 a portable multi-function apparatus operable in a camera operation mode an audio operation mode (col. 4, lines 15-23) with which at least a music data is operated (Tada fails to explicitly state music data, but music data is inherently included in audio data. For example, if the user were at a concert and recorded audio data, the user would be recording music, which would therefore be included implicitly within the disclosure of the Tada reference), the apparatus comprising: a main body (21) with a detachable first recording medium; and a controller (40). However, Tada fails to disclose a controller operatively connectable with the main body for an audio operation and a camera operation thereof; wherein: the main

body includes a detachable first recording medium; and the controller includes a detachable second recording medium.

Referring to the Suzuki et al. reference, Suzuki et al. discloses in Fig. 2 a portable multi-function apparatus, wherein the controller (5) is attachable to the main body (col. 5, lines 64-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have allowed the remote to be attached to the main body as taught by Suzuki et al. in order to provide a convenient storage place for the controller.

However, Tada in view of Suzuki et al. fails to disclose a controller operatively connectable with the main body for an audio operation and a camera operation thereof; wherein the main body includes a detachable first recording medium; and the controller includes a detachable second recording medium.

Referring to the Ohmori reference, Ohmori discloses a multi-function apparatus wherein an attachment module that comprises an additional detachable memory and may be connected to the multi-function apparatus (Figs. 8, 9, and 12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added an additional detachable memory to the controller as taught by Ohmori in order to provide more memory space for the user.

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Regarding claim **15**, Tada in view of Suzuki et al. in view of Ohmori discloses all subject matter as discussed in claim 13, except that the data is transferable between the first recording medium and the second recording medium. Official Notice is taken that data can be transferable between the first recording medium and the second recording medium.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have allowed the memories to transfer data back and forth since the memory in the controller would be smaller and would fill up quickly, but it would still need to retrieve information from the other memory depending on the user's instructions.

Regarding claim **16**, Tada in view of Suzuki et al. in view of Ohmori discloses all subject matter as discussed in claim 13, except that the first battery in the main body charges the second battery in the controller when the controller is attached to the main body. Official Notice is taken that the main body includes a first battery and the controller includes a second battery, and the first battery charges the second battery with electricity when the controller is loaded on the main body.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have allowed the first battery to be able to charge the second battery when the controller is loaded on the main body because the second battery would have a lower capacity due to the controller being smaller, which would also not be able to last as long as the first battery.



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7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tada in view of Suzuki et al. in view of Ohmori as applied to claim 13 above, and further in view of Cocca (U.S. Patent 5,387,955).

Regarding claim 14, Tada in view of Suzuki et al. and further in view of Ohmori fail to disclose a portable multi-function apparatus, wherein the second recording medium is loaded, the second recording medium is automatically selected and used when the controller is in an audio operation mode and, if the first recording medium is loaded, the first recording medium is automatically selected and used when the controller is in a camera operation mode.

Referring to the Cocca reference, Cocca discloses in Fig. 1 a controller (22) that comprises a microphone (24) and a speaker (52 – Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Cocca with Tada, Suzuki et al., and Ohmori in order to provide a controller that comprises a microphone and a speaker in order to allow the user to easily record and listen to the playback of the recording while standing remotely from the camera where the user may have recorded sounds from the object or scene of the image being taken.

Tada in view of Suzuki et al. in view of Ohmori in view of Cocca discloses all subject matter as discussed in claim 13, except that second recording medium is automatically used for an audio operation and the

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first recording medium is automatically used for the camera operation.

Official Notice is taken that when the second recording medium is loaded, the second recording medium is automatically selected and used when the controller is in an audio operation mode and, if the first recording medium is loaded, the first recording medium is automatically selected and used when the controller is in a camera operation mode.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to designate the second recording medium to be used with the audio operation because the microphone and speaker are provided in the remote control and the memory would be needed for playback. Furthermore, it would have been obvious to designate the first recording medium to be used in the camera operation mode in order to keep the memory inside the multi-function apparatus along with the other camera components.

8. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tada in view of Suzuki et al. as applied to claim 17 above, and further in view of Cocca (U.S. Patent 5,387,955) and Ohmori (U.S. Patent 790,193).

Regarding claim **18**, Tada in view of Suzuki et al. fail to disclose a controller further comprising a first recording medium operable in the audio operation mode of the portable multi-function apparatus.

Referring to the Cocca reference, Cocca discloses in Fig. 1 a controller (22) that comprises a microphone (24) and a speaker (52 – Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Cocca with Tada and Suzuki et al. in order to provide a controller that comprises a microphone and a speaker in order to allow the user to easily record and listen to the playback of the recording while standing remotely from the camera where the user may have recorded sounds from the object or scene of the image being taken.

Referring to the Ohmori reference, Ohmori discloses a multi-function apparatus wherein an attachment module that comprises an additional detachable memory and may be connected to the multi-function apparatus (Figs. 8, 9, and 12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added an additional detachable memory to the controller as taught by Ohmori in order to provide more memory space for the user.

Tada in view of Suzuki et al. in view of Cocca and in view of Ohmori discloses all subject matter as discussed in claim 17, except that the controller contains a first recording medium operable in audio operation mode. Official Notice is taken that a controller can contain a first recording

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medium operable in the audio operation mode of the portable multi-function apparatus.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to designate the first recording medium to be used with the audio operation because the microphone and speaker are provided in the remote control and the memory would be needed for playback.

Regarding claim **19**, Tada in view of Suzuki et al. in view of Cocca and further in view of Ohmori discloses all subject matter discussed with respect to claims 17 and 18, except that the first recording medium in the controller can communicate with the second recording medium in the main body. Official Notice is taken that the controller can contain a first recording medium that communicates with a second recording medium installed in the multi-function apparatus to transfer data back and forth.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have allowed the memories to transfer data back and forth since the memory in the controller would be smaller and would fill up quickly, but it would still need to retrieve information from the other memory depending on the user's instructions.

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***Allowable Subject Matter***

9. Claims 21-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: Prior art fails to teach or fairly suggest a portable multi-function apparatus, in combination with the other elements claimed, wherein the camera operation mode and the audio operation mode is automatically selected according to whether the controller is engaged with the main body or not (claims 21, 22, and 23).

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Hieda et al. (U.S. Patent 6,278,486) discloses a multi-functional apparatus capable of capturing data and audio data (music data) with a playback mode.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Long whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Heather R Long  
Examiner  
Art Unit 2615

HRL  
June 9, 2005



DAVID L. OMETZ  
PRIMARY EXAMINER